

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL CASE NO. 2:07cr06

UNITED STATES OF AMERICA,

Plaintiff,

v.

GALANVDI CROWE,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Motion to Modify Sentence. [Doc. 31].

The Defendant moves the Court to modify his sentence to allow him to be released for time served or, alternatively, to permit him to return to Asheville to visit his brother, who is currently in critical condition at Mission Hospital. [Doc. 31].

Title 18, Section 3582, of the United States Code provides, in pertinent part, as follows:

The court may not modify a term of imprisonment once it has been imposed except that –

(1) in any case –

(A) the court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment . . . after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that –

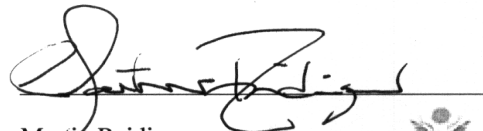
(i) extraordinary and compelling reasons warrant such a reduction[.]

18 U.S.C. § 3582(c)(1)(A)(i). This statute makes clear that any motion for a modification of a term of imprisonment must originate from the Bureau of Prisons. The Court is therefore without jurisdiction to grant the relief sought by the Defendant.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Modify Sentence [Doc. 31] is **DENIED**.

IT IS SO ORDERED.

Signed: March 2, 2010


Martin Reidinger
United States District Judge

